

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

555 Walnut Street 5th Floor, Forum Place
Harrisburg, Pennsylvania 17101-1923
(717) 783-5048

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IRWIN A. POPOWSKY
Consumer Advocate

FAX (717) 783-7152
E-Mail: paoca@ptd.net

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July 30, 1999

Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
445 12th Street, S. W.
Washington, DC 20554

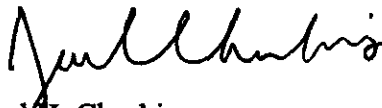
Re: Common Carrier Bureau Seeks Comment on North
American Numbering Council Recommendation
Concerning Replacement of Central Office Code
Utilization Survey
CC Docket No. 99-200; DA 99-1315;
NSD File No. L-99-51

Dear Ms. Salas:

Enclosed please find an original and four copies of the Comments of the Pennsylvania Office of Consumer Advocate for filing with the Commission in the above-referenced matters. Also enclosed is a diskette containing these Comments. Please also note that these Comments have been filed electronically with the Commission.

Please indicate your receipt of this filing on the additional copy provided and return to the undersigned in the enclosed self-addressed, postage prepaid, envelope. Thank you.

Sincerely yours,


Joel H. Cheskis
Assistant Consumer Advocate

Enclosure

cc: Al McCloud, Network Services Division (2 copies)
International Transcription Services, Inc. (1 copy)

No. of Copies rec'd 013
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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION**

In the Matter of	:	CC Docket No. 99-200
	:	
Common Carrier Bureau Seeks Comment on	:	DA 99-1315
North American Numbering Council	:	
Recommendation Concerning Replacement	:	NSD File No. L-99-51
of Central Office Code Utilization Survey	:	

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**COMMENTS OF THE
PENNSYLVANIA OFFICE OF CONSUMER ADVOCATE**

I. INTRODUCTION

The Pennsylvania Office of Consumer Advocate ("OCA") hereby submits these Comments concerning the final report and recommendation from the North American Numbering Council ("NANC") on a plan to replace the Central Office Code Utilization Survey ("COCUS"), the current tool for forecasting demand for central office codes. This report was submitted to the Chief of the Common Carrier Bureau of the Federal Communications Commission ("FCC") on June 30, 1999. The OCA is designated by Pennsylvania state law to represent public utility ratepayers before the Pennsylvania Public Utility Commission, federal agencies and state and federal courts. The OCA is actively involved in representing consumer interests in telecommunications issues in these venues. In particular, the OCA has represented the National Association of State Utility Consumer Advocates in the Number Resource Optimization Working Group in drafting, among other things, the June 30th report as well as the North American Numbering Council Report Concerning Telephone Number Pooling and Other Optimization Methods which was submitted to the Common

Carrier Bureau on October 21, 1998.¹ The OCA is, therefore, familiar with the issues contained in the June 30th report.

The FCC summarized the report in the Public Notice of July 1, 1999 as follows:

The report compares and analyzes four alternative approaches to forecast and utilization data reporting: (1) AT&T's "Minimalist" Model; 2) the Line Number Utilization Survey ("LINUS"); 3) US West's "Top Down/Bottom Up" Analysis; and (4) the Hybrid approach, which contains elements of the three preceding alternatives. The report outlines the critical attributes of each approach, including the frequency of reporting, the level of detail at which data is to be reported (e.g., at the area code, central office code, or thousands-block level), and the categories of data to be reported. The report evaluates the extent to which each of the COCUS alternatives complies with a list of desired attributes, as well as relative costs and utility gains of each of the alternatives in comparison with the current COCUS.

Based on these assessments, the NANC concluded that the Hybrid approach is the preferred alternative. The NANC estimated that it could take 18 to 36 months before the Hybrid model could be widely used, and stated its intent to provide a more detailed estimate of the timeline for implementation of the Hybrid model to the Commission by August 30, 1999.

Notice at 1-2. The FCC specifically requested comment on the issues raised in the June 30th report in connection with the recently initiated proceeding on numbering optimization, which raised a number of inquiries about number utilization and forecast reporting. Notice at 2.

The OCA submits these Comments because the June 30th report has important implications in helping to conserve numbering resources.

¹ The OCA worked with many other parties through the Number Resource Optimization Working Group ("NRO-WG") to develop the initial report later approved by NANC.

II. COMMENTS

A. Need to Control Area Code Proliferation Through the Use of a More Accurate and More Frequent Data Reporting System.

The OCA submits that the FCC should quickly take action to forestall or eliminate the premature exhaust of the North American Numbering Plan ("NANP"), and slow the introduction of new area codes as the costs to consumers increase rapidly with each successive area code application. The NANP allows customers to be called throughout the United States by a three digit area code and a seven digit telephone number. As area codes continue to be distributed at a rapid rate, this numbering system is at risk. The OCA recognizes that the rapid growth in demand for new area codes is a symptom of underlying inefficiencies in the manner in which numbering resources are currently allotted. One of these inefficiencies includes the manner and frequency in which local exchange carriers report their usage of numbering resources. The OCA further submits that the restrictions the FCC has placed upon state actions in this area have had a chilling effect on states which has hurt conservation efforts on a national basis and increased the need for speedy action in order to implement effective number conservation actions.

With the accelerating growth of multiple providers under the Telecommunications Act of 1996, the traditional mode of assigning telephone numbers in blocks of 10,000 for each carrier per rate center is forcing a rapid, unnecessary and costly depletion of telephone numbers across the country. Additionally, the inefficient use of those blocks of 10,000, or NXXs,² has exacerbated the depletion of telephone numbers. This inefficient use of telephone numbers includes the inaccurate

² An NXX is the number of an exchange, i.e., a block of 10,000 numbers in an area code. Similarly, an NPA is a numbering plan area, or area code. Together, an NPA and an NXX identify a telephone number as NPA-NXX-XXXX.

and underreporting of the usage of telephone numbers. Many consumers have expressed their outrage that area codes have proliferated with little apparent management or control.

The costs to consumers, as a result of this lack of effective controls and utilization reporting, in terms of the addition of new area codes or the implementation of 10-digit (or more) dialing, are enormous. A change in a consumer's area code often requires notifying friends and businesses of that change and also reprinting stationery, advertising, etc. If callers are not aware of a new telephone number, important calls may not be completed. Reprogramming calling data bases and alarm monitoring devices could have serious public safety implications and can also be expensive. The costs of reprogramming network equipment for telecommunications carriers are also considerable which could result in increased rates paid by consumers. These real costs could be vastly exacerbated given the possible depletion of the entire NANP as early as 2007.³ Complete exhaustion of the NANP could result in eleven or twelve digit dialing thus causing an entirely new set of real costs to the consumers as well as a massive amplification of those costs noted above. The OCA submits that the cost of frequent area code changes upon consumers could be avoided by the use of more accurate and more frequent reporting of telephone number utilization.

The OCA submits that the industry must deal with the serious area code problem that exists in an expeditious and thorough manner. The OCA further submits that the longer the area code crisis is left unresolved, the greater the jeopardy the NANP is placed in and the higher the cost becomes to consumers. More accurate and frequent reporting of telephone number utilization, in conjunction with other number resource optimization methods, will help to resolve this crisis.

³ "North American Numbering Plan Exhaust Study," submitted by North American Numbering Plan Administrator Lockheed Martin, April 22, 1999.

B. Telephone Number Utilization Data by Local Exchange Companies Needs to be More Timely and More Accurate.

As the FCC stated in its recently issued Notice of Proposed Rulemaking, In the Matter of Numbering Resource Optimization, CC Docket No, 99-200, June 2, 1999 ("Notice"), the current data reporting system is outdated and was designed when the local exchange was largely a monopoly. Notice at ¶ 60. The OCA fully concurs with the FCC that "it is necessary to strengthen the current system for forecast and utilization data collection" to improve the accuracy of the NANP Administrator's predictions and to deter hoarding and other abuses of the system for allocating and administering numbering resources. Id. at ¶ 70.

The OCA submits that states need access to timely, accurate information about actual forecast numbering utilization. The FCC should explicitly authorize states to mandate the submission of information to state public utility commissions and to state consumer advocates. There is a general sense that public disclosure of number utilization rates by individual carriers could competitively disadvantage the disclosing carrier and benefit rivals. The FCC should evaluate the merit of such concerns, and balance them against the benefits to effective number resource management of requiring accurate disclosure and reporting of utilization by all carriers.

The OCA concurs with the FCC that COCUS is an inadequate tool, Id. at ¶ 72, and urges the FCC to direct the NANP Administrator to replace COCUS with a more detailed, frequent and comprehensive reporting tool that forecasts data quarterly at the rate center level in the largest 100 metropolitan service areas and seminannually in other areas. These reports should also collect utilization data at the thousands-block level. Carriers who fail to provide the requested information to the FCC, state public utility commissions and the NANP Administrator, should be denied further

access to numbering resources.

The Notice further indicates that "some commentators have voiced particular concern about the ability of state commissions to protect the confidentiality of their submissions." *Id.* at 78. The OCA submits that state public utility commissions and consumer advocates can protect the confidential information provided by the industry where that is necessary. At the same time, the FCC should assess the relative importance of affording carriers such confidentiality if by doing so it enables individual carriers to obtain and hoard telephone numbers that would otherwise not occur under a system of mandatory public disclosures. The OCA suggests that carrier usage and assignment data should be made public at some aggregate level. There is no reason why the public should not be informed about the number of telephone numbers that have been assigned in an NPA and how many are actually in use. This would still protect data at higher levels of disaggregation. The public should clearly be informed concerning the industry's wasteful use of numbers at some level.

The OCA concurs with the FCC's proposal in the Notice that a comprehensive auditing program be implemented to verify carrier compliance with federal rules and industry numbering guidelines but also should authorize states to undertake audits. *Id.* at ¶ 83. Furthermore, the OCA submits that the FCC should keep states apprised on any federal audits. Comprehensive audits should occur at the wire center level, with detailed audit results being made available to the state public utility commissions and to state consumer advocates.

The OCA submits that the FCC should unambiguously state that the state public utility commissions have audit authority, which they can share, as appropriate with state consumer advocates. The OCA does not seek to unnecessarily duplicate federal initiated audits, but believes

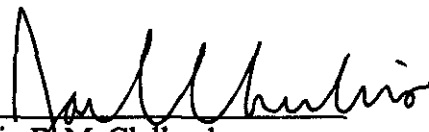
that it is essential to permit states, where appropriate, to direct audits that complement those undertaken at the federal level. The OCA concurs with the FCC that "state commissions should have a major role in the development" of the framework and procedures for numbering resource audits. Id. at ¶ 90. The FCC should also explicitly include state consumer advocates in auditing programs because of the major role that many state consumer advocates have taken in numbering proceedings.

Finally, the OCA submits that adequate enforcement measures are essential to deter squandering of numbering resources. Presently, carriers face no sanctions if they abuse the numbering allocation and administration process. The OCA concurs with the FCC's tentative conclusion that the NANP Administrator should be empowered to withhold telephone numbers as a sanction for violation of revised utilization data reporting procedures. Id. at ¶ 92. States, too, should be authorized to enforce compliance with central office code assignment guidelines. The OCA also concurs with the FCC's tentative conclusion that the FCC should delegate additional authority to state public utility commissions to order reclamation of blocks of telephone numbers.

III. CONCLUSION

The Pennsylvania Office of Consumer Advocate requests the Federal Communications Commission to review these Comments as it considers what actions to take concerning the final report and recommendation from the North American Numbering Council on a plan to replace the Central Office Code Utilization Survey dated June 30, 1999. The OCA submits that the cost of frequent area code changes upon consumers could be avoided by the use of more accurate and more frequent reporting of telephone number utilization.

Respectfully submitted,


Philip F. McClelland
Senior Assistant Consumer Advocate
Joel H. Cheskis
Assistant Consumer Advocate

Counsel for:
Irwin A. Popowsky
Consumer Advocate

Office of Consumer Advocate
555 Walnut Street 5th Floor, Forum Place
Harrisburg, PA 17101-1923
(717) 783-5048

Dated: July 30, 1999

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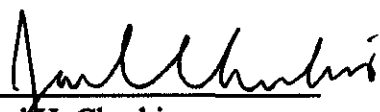
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of Central Office Code Utilization Survey	:	

I hereby certify that I have this day served a true copy of the foregoing document,
Comments, upon parties of record in this proceeding.

Dated this 30th day of July, 1999.

Respectfully submitted,



Joel H. Cheskis
Assistant Consumer Advocate

Counsel for
Office of Consumer Advocate
555 Walnut Street, Forum Place, 5th Floor
Harrisburg, PA 17101-1923
(717) 783-5048